

1 **NOT**
MICHAEL EDWARDS, ESQ.
2 Nevada Bar No. 6281
NICHOLAS HAMILTON, ESQ.
3 Nevada Bar No. 10893
MESSNER REEVES LLP
4 8945 W Russell Road, Suite 300
Las Vegas, Nevada 89148
5 Telephone: (702) 363-5100
Facsimile: (702) 363-5101
6 medwards@messner.com
nhamilton@messner.com
7 *Attorneys for Defendant*
Winnebago Industries, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10 GORDON WOOD, an Individual,
11
12 Plaintiff,
13 v.
14 WINNEBAGO INDUSTRIES, INC.,
15 Defendant.

Case No.:

**NOTICE OF REMOVAL OF ACTION TO
FEDERAL COURT UNDER 28 U.S.C.
§1441(a) (FEDERAL QUESTION)**

16 **TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA**

17 Defendant WINNEBAGO INDUSTRIES, INC. (hereinafter "Defendant") by and through its
18 counsel of record, MESSNER REEVES LLP, petitions this Court for the removal of the above-
19 captioned action from the District Court of the State of Nevada in and for the County of Clark, in
20 which it is currently pending, to the United States District Court for the District of Nevada at
21 Las Vegas, pursuant to 28 USC §1441(a), et seq.

22 As part of this petition, defendant/petitioner shows the Court the following:

23 1. Plaintiff commenced this matter in the Eighth Judicial District Court, Clark County,
24 State of Nevada in Case No. A-18-778700-C by filing of a complaint on July 31, 2018. A copy of
25 Plaintiff's Complaint setting forth his claims for relief is attached hereto as **Exhibit "A."** Defendant
26 Winnebago accepted service of Plaintiff's Complaint on August 8, 2018. A copy of the Proof of
27 Service and Summons are attached hereto as **Exhibit "B."**
28

2. The Plaintiff seeks recovery under the Magnuson-Moss Warranty Act 15 U.S.C. §§ 2301 et seq. Courts need look no farther than the pleadings to determine the amount in controversy unless it is apparent from the face of the pleadings “to a legal certainty, that the plaintiff cannot recover the amount claimed.”¹ This claim is sought in connection with the purchase of a Winnebago recreational vehicle, which the Plaintiff asserts to have a purchase price in excess of \$331,094.00.²

3. This action is therefore a civil action of which this Court has original jurisdiction under 28 U.S.C. Section 1331, and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. Section 1441(a) in that it arises under 15 U.S.C. §§ 2301 et seq.

4. Based on the foregoing, Defendant hereby removes this action now pending in the Clark County District Court as Case No.: A-18-778700-C, assigned to Department XXVIII.

DATED this 6 day of September, 2018.

MESSNER REEVES LLP

By Charles A. Edwards

MICHAEL EDWARDS, ESQ.

Nevada Bar No. 6281

NICHOLAS HAMILTON, ESQ.

Nevada Bar No. 10893

MESSNER REEVES LLP

8945 W Russell Road, Suite 300

Las Vegas, Nevada 89148

Attorneys for Defendant

Winnebago Industries, Inc.

¹ *Kelly v. Fleetwood Enterprises, Inc.*, 377 F.3d 1034, 1037 (9th Cir. 2004).

² See Exhibit A, at paragraph 15.

CERTIFICATE OF SERVICE

I certify that I am an employee of Messner Reeves LLP and that on this 6 day of September, 2018, I served a true and correct copy of the foregoing **NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT UNDER 28 U.S.C. §1441(a) (FEDERAL QUESTION)** to all parties on file with the CM/ECF:

George O. West, III
Law Office of George O. West, III
Consumer Attorneys Against Auto Fraud
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145
Telephone: (702) 664-1168
Facsimile: (702) 664-0459
Email: gowesq@cox.net
Attorneys for Plaintiff Gordon Wood

Ronald Burdge, Esq.
Burdge Law Office Co. LPA
8250 Washington Village Drive
Dayton, Ohio 45458-1850
Telephone: (937) 432-9500
Facsimile: (937) 432-9503
Email: Ron@burdgelaw.com
Attorneys for Plaintiff Gordon Wood



An Employee of Messner Reeves LLP